
Introduced by Senator Yee

February 18, 2011

An act to amend Section 2234 of the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as introduced, Yee. Medicine.

Existing law, the Medical Practice Act, provides for the licensing of physicians and surgeons by the Medical Board of California. Existing law requires the board to take action against any licensee who is charged with unprofessional conduct, as specified.

This bill would make a nonsubstantive clarifying change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2234 of the Business and Professions
- 2 Code is amended to read:
- 3 2234. ~~The Division of Medical Quality~~ *board* shall take action
- 4 against any licensee who is charged with unprofessional conduct.
- 5 In addition to other provisions of this article, unprofessional
- 6 conduct includes, but is not limited to, the following:
- 7 (a) Violating or attempting to violate, directly or indirectly,
- 8 assisting in or abetting the violation of, or conspiring to violate
- 9 any provision of this chapter.
- 10 (b) Gross negligence.

1 (c) Repeated negligent acts. To be repeated, there must be two
2 or more negligent acts or omissions. An initial negligent act or
3 omission followed by a separate and distinct departure from the
4 applicable standard of care shall constitute repeated negligent acts.

5 (1) An initial negligent diagnosis followed by an act or omission
6 medically appropriate for that negligent diagnosis of the patient
7 shall constitute a single negligent act.

8 (2) When the standard of care requires a change in the diagnosis,
9 act, or omission that constitutes the negligent act described in
10 paragraph (1), including, but not limited to, a reevaluation of the
11 diagnosis or a change in treatment, and the licensee's conduct
12 departs from the applicable standard of care, each departure
13 constitutes a separate and distinct breach of the standard of care.

14 (d) Incompetence.

15 (e) The commission of any act involving dishonesty or
16 corruption which is substantially related to the qualifications,
17 functions, or duties of a physician and surgeon.

18 (f) Any action or conduct which would have warranted the
19 denial of a certificate.

20 (g) The practice of medicine from this state into another state
21 or country without meeting the legal requirements of that state or
22 country for the practice of medicine. Section 2314 shall not apply
23 to this subdivision. This subdivision shall become operative upon
24 the implementation of the proposed registration program described
25 in Section 2052.5.